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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/771,460	02/05/2004	Toshio Yamamoto	02-109	2944
23400	7590	02/23/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			COMAS, YAHVEH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

ELC

<b>Office Action Summary</b>	<b>Application No.</b> 10/771,460	<b>Applicant(s)</b> YAMAMOTO ET AL.	
	<b>Examiner</b> Yahveh Comas	<b>Art Unit</b> 2834	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 5, 9-11, 14 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 12-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/5/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claim 1-4, 6-8 and 12-13 withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/1/2005. However applicant did not provide arguments.

### ***Specification***

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by P. F. Koehly et al. U.S. Patent No. 3,196,304.

Koehly discloses an armature comprising a plurality of teeth (T), each of which extends in a radial direction of the rotor core, a plurality of winding wires, each of which is wound around a corresponding one of the teeth (T), at least one insulator (16, 36) arranged that electrically insulates between the rotor core and the winding wires, and at

Art Unit: 2834

least one protective member (16, 36 or 15, 34) that is provided to the rotor core to protect the rotor core from mechanical damage. The protective member (16,36 or 15, 34) is integrated with at least one of the insulator arrangement and at least one protective member is made of synthetic resin material such as epoxy.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over P. F. Koehly et al. U.S. Patent No. 3,196,304 in view of T.Drenth et al U.S. Patent No. 3,244,919.

Koehly discloses the claimed invention except for the rotatable shaft including a plurality of recess that are formed in a portion of an outer peripheral surface of the

Art Unit: 2834

rotatable shaft which contacts the least one tubular portion, wherein the recess extend in an axial direction of the armature and are spaced from another in a circumferential direction of the armature, and two tubular portions which are spaced from one another in an axial direction of the armature.

However, Drenth disclose rotor comprising a shaft the use of a shaft including a plurality of recess that are formed in a portion of an outer peripheral surface of the rotatable shaft which contacts the least one tubular portion, wherein the recess (20) extend in an axial direction of the armature and are spaced from another in a circumferential direction of the armature in order to prevent the rotation in the axial and circumferential of the rotor core. Also disclose two tubular portions, which are spaced from one another in an axial direction of the armature in order to eliminate the need for trueing operations on the rotor assembly.

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to provide a rotatable shaft including a plurality of recess that are formed in a portion of an outer peripheral surface of the rotatable shaft which contacts the least one tubular portion, wherein the recess extend in an axial direction of the armature and are spaced from another in a circumferential direction of the armature, and two tubular portions which are spaced from one another in an axial direction of the armature since that would have been desirable in order to eliminate the need for trueing operations on the rotor assembly.

Regarding the shaft been press fitted to the tubular portion, it has been held that the method of forming a device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

3. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over P. F. Koehly et al. U.S. Patent No. 3,196,304 in view of Egawa et al U.S. Patent No. 6,819,025.

Koehly discloses the protective member being made from a magnetic metal plate (15) but does not disclose the at least one insulator arrangement including a dielectric layer. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use at least one insulator arrangement including a dielectric layer molding as show by Egawa et al., since dielectrics material are poor conductor and it has been held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

4. Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over P. F. Koehly et al. U.S. Patent No. 3,196,304 in view of Egawa et al U.S. Patent No. 6,819,025.

Koehly discloses the claimed invention except for the rotor core being made from magnetic powder by compression molding. However, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to use magnetic powder by compression molding for example as show by Egawa et al., since it has been

Art Unit: 2834

held by the courts that selection of a prior art material on the basis of its suitability for its intended purpose is within the level of ordinary skill. *In re Leshing*, 125 USPQ 416 (CCPA 1960) and *Sinclair & Carroll Co. v. Interchemical Corp.*, 65 USPQ 297 (1945).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571) 272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC

